



FILED  
U.S. DISTRICT COURT  
DISTRICT OF MASS.

MARCH 10 AM 11:34

U.S. DISTRICT COURT  
DISTRICT OF MASS.

Via U.S. Mail

March 8, 2004

Civil Clerk  
John Joseph Moakley U.S. Courthouse  
1 Courthouse Way  
Boston, MA 02210

**haese**

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Re: Massachusetts Development Finance Agency v. ADP Marshall, Inc., a  
Fluor Daniel Co., and Fireman's Fund Insurance Co.  
C.A. No. 04-10203PBS

Dear Sir/Madam:

I am writing in reference to the "Notice of Electronic Filing" this office received on March 1, 2004 concerning the above referenced matter. This Notice indicated that Fireman's Fund Insurance Company filed its Answer to MDFA's Complaint with this Court on February 26, 2004.

This is incorrect: as indicated on the certified docket of the Suffolk County Superior Court (a copy of which is attached hereto), the court from which this matter was removed, Fireman's Fund Insurance Company filed its Answer with the Superior Court on January 26, 2004. Due to an administrative error at the Superior Court, the filed copy of Fireman Fund's Answer was misplaced and was not properly docketed until this office brought the error to the Superior Court's attention. It would seem likely that the incorrect filing date result from the waylaid Answer being found and belatedly submitted to this Court for filing, despite the fact that it already had been filed in the Superior Court.

Accordingly, we would ask that you amend the case docket to reflect the correct filing date of the Answer of Fireman's Fund Insurance Company. Thank you for your attention and assistance in this matter.

Sincerely,

Richard J. Fox  
RJF/mm  
Enc.

cc: Charles A. Plunkett, Esq.

Attorneys also admitted to practice  
in Colorado, Connecticut,  
Rhode Island, New Jersey, New York,  
Pennsylvania and Washington, DC.

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Commonwealth of Massachusetts

SUFFOLK SUPERIOR COURT

Case Summary

Civil Docket

01/30/2004

10:17 AM

SUCV2003-05679

Massachusetts Development Finance Agency v ADP Marshall, Inc et al

File Date 12/02/2003

Status Disposed: transferred to other court (dtrans)

Status Date 01/28/2004

Session G - Civil G

Origin 1

Case Type E09 - General contractor surety (149.029)

Lead Case

Track A

Service 03/01/2004

Answer 04/30/2004

Rule 12/19/20 04/30/2004

Rule 15 02/24/2005

Discovery 01/20/2006

Rule 56 03/21/2006

Final PTC 07/19/2006

Disposition 12/01/2006

Jury Trial Yes

Plaintiff

Massachusetts Development Finance Agency  
Active 12/02/2003

Private Counsel 547714

Charles A Plunkett  
1 Bowdoin Square  
9th Floor  
Boston, MA 02114  
Phone: 617-263-1313  
Active 12/02/2003 Notify

Defendant

P Marshall, Inc  
Served: 01/02/2004  
Answered: 01/26/2004  
Answered 01/26/2004

Private Counsel 633639

Andrew J Tine  
Haese Law Office  
70 Franklin Street  
9th floor  
Boston, MA 02110  
Phone: 617-428-0266  
Fax: 617-428-0276  
Active 01/28/2004 Notify

Defendant

Fluor Daniel Company  
Service pending 12/02/2003

Defendant

Fireman's Fund Insurance Company  
Served: 12/29/2003  
Answered: 01/26/2004  
Answered 01/26/2004

Private Counsel 633639

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Active 01/30/2004 Notify

Date	Paper	Text
12/02/2003	1.0	Complaint filed with request for trial by jury

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Commonwealth of Massachusetts  
SUFFOLK SUPERIOR COURT

Case Summary  
Civil Docket

01/30/2004  
10:17 AM

SUCV2003-05679

Massachusetts Development Finance Agency v ADP Marshall, Inc et al

Date	Paper	Text
12/02/2003		Origin 1, Type E09, Track A.
12/02/2003	2.0	Civil action cover sheet filed
01/02/2004	3.0	SERVICE RETURNED: Fireman's Fund Insurance Company(Defendant) (First class postage on 12/29/03)
01/02/2004	4.0	SERVICE RETURNED: ADP Marshall, Inc(Defendant) (certified mail on 12/29/03)
01/13/2004	5.0	Defendant ADP Marshall, Inc's MOTION for an extension of time to file responsive pleading , assented to by Massachusetts Development Finance Agency
01/20/2004		MOTION (P#5) ALLOWED (Diane M. Kottmyer, Justice) Notices mailed January 16, 2004 (entered 1/15/04)
01/26/2004	6.0	ANSWER, COUNTERCLAIM : ADP Marshall, Inc(Defendant)
01/26/2004	7.0	ANSWER: Fireman's Fund Insurance Company(Defendant)
01/28/2004		Certified copy of petition for removal to U. S. Dist.Court of Deft. ADP Marshall, Inc U. S. Dist.#(04-CV-10203PBS).
01/28/2004		Case REMOVED this date to US District Court of Massachusetts

HEREBY ATTEST AND CERTIFY ON

JAN. 30, 2004, THAT THE

FOREGOING DOCUMENT IS A FULL, TRUE AND CORRECT COPY OF THE ORIGINAL ON FILE IN MY OFFICE, AND IN MY LEGAL CUSTODY.

MICHAEL JOSEPH DONOVAN  
CLERK / MAGISTRATE  
SUFFOLK SUPERIOR CIVIL COURT  
DEPARTMENT OF THE TRIAL COURT

*[Signature]*  
ASSISTANT CLERK